

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

INHANCE TECHNOLOGIES LLC,

*Defendant.*

CIVIL ACTION NO. 22-5055

**Joint Notice of 15-Day Suspension of the SNUN Review Period**

Plaintiff the United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“EPA”), and Defendant Inhance Technologies LLC (“Inhance”), file this Joint Notice of a 15-Day Suspension of the Review Period for the Significant New Use Notices (“SNUNs”) submitted by Inhance to the EPA.

On August 23, 2023, the Court held oral argument on the motions filed by Inhance to dismiss the complaints filed by the United States and the Intervenor-Plaintiffs alleging past and continuing violations of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2601 *et seq.* (ECF Nos. 10, 40), the motion for partial summary judgment filed by the United States (ECF Nos. 37, 49, 51, 52, 54), and the motion for summary judgment and injunctive relief filed by the Intervenor-Plaintiffs. (ECF Nos. 42, 50, 53). At the conclusion of the oral argument, the Court asked to be informed “if there are any developments on the regulatory front” . . . and of “the significance of whatever this development is . . . .” Transcript of Oral Argument at 115:7-15.

In accordance with the Court’s request, the United States and Inhance file this Joint Notice. At the time of the hearing, the statutory review period for Inhance’s SNUNs was set to expire on September 1, 2022. On August 30, 2023, Inhance requested under 40 C.F.R.

§§ 720.75(b)(2)(ii) and (c)(4) that EPA suspend by 15 days the review period for its SNUNs, resulting in the review period expiring on September 16, 2023. Inhance stated that additional time is needed to complete its collection and submission of detailed information EPA requested on the customer uses of the fluorinated containers and information regarding any new process Inhance is developing to reduce or eliminate the formation of LCPFAC associated with the treatment of containers from Inhance. EPA granted Inhance's request to suspend the SNUN review period by 15 days.

Thus, the applicable review period for Inhance's SNUNs is now scheduled to expire on September 16, 2023. The parties will inform the Court if there are further suspensions or an extension of the review period.

Respectfully submitted,

Dated: September 7, 2023

**FOR THE UNITED STATES OF AMERICA**

**TODD KIM**

Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice

/s/ Richard Gladstein

**RICHARD GLADSTEIN**, D.C. Bar #362404

Senior Counsel

**JONAH SELIGMAN**, La. Bar #38890

Trial Attorney

Environmental Enforcement Section

Environment and Natural Resources Division

United States Department of Justice

P.O. Box 7611

Washington, D.C. 20044-7611

(202) 514-1711

Richard.Gladstein@usdoj.gov

Jonah.Seligman@usdoj.gov

**JACQUELINE C. ROMERO**

United States Attorney  
Eastern District of Pennsylvania

**GREGORY B. DAVID**

Chief, Civil Division

**ERIN E. LINDGREN**

Assistant United States Attorney  
Office of United States Attorney 615 Chestnut Street, #1250  
Philadelphia, Pennsylvania 19106  
Erin.Lindgren@usdoj.gov

Of Counsel:

**N. LINSLEY SIMMONS**

**ALEXANDER DERGARABEDIAN**

Attorney-Advisors  
Chemical Risk and Reporting Enforcement Branch  
Waste and Chemical Enforcement Division | Office of Civil Enforcement, OECA  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C.  
(202) 564-3223  
Simmons.Lindsay@epa.gov  
Dergarabedian.Alexander@epa.gov

Respectfully submitted,

/s/ Virginia Gibson

**VIRGINIA GIBSON** (PA Bar No. 32520)  
HOGAN LOVELLS US LLP  
1735 Market St., Floor 23  
Philadelphia, PA 19103  
Phone: (267) 675-4635  
Fax: (267) 675-4601  
virginia.gibson@hoganlovells.com

**CATHERINE E. STETSON\***

**SUSAN M. COOK\***

**ADAM KUSHNER\***

HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, D.C. 20004

Phone: (202) 637-5491  
Fax: (202) 637-5910  
cate.stetson@hoganlovells.com

**J. TOM BOER\***  
HOGAN LOVELLS US LLP  
4 Embarcadero Center, Suite 3500  
San Francisco, CA 94111  
Phone: (415) 374-2336  
Fax: (415) 374-2499  
tom.boer@hoganlovells.com

\*admitted pro hac vice

*Counsel for Inhance Technologies LLC*

**CERTIFICATE OF SERVICE**

The foregoing Joint Notice of 15-Day Suspension of the Review Period has been filed electronically using the ECF system and are available for viewing and downloading from the ECF system. Counsel for the Plaintiff also has served by email an electronic copy of this Joint Notice on counsel for Defendant and counsel for Intervenor-Plaintiffs Center for Environmental Health, Public Employees for Environmental Responsibility, and Mr. Jay De La Rosa.

DATE: September 7, 2023

/s/ Richard Gladstein  
RICHARD GLADSTEIN